

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CR-355-D
No. 5:21-CV-239-D

ALEXANDER RICKEY SHAW, JR.,)
)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

On June 2, 2021, Alexander Rickey Shaw, Jr. moved to vacate his sentence under 28 U.S.C. § 2255 [D.E. 182]. On July 15, 2021, the government moved to dismiss for failure to state a claim [D.E. 191]. The court DENIES respondent's motion to dismiss [D.E. 191] and REFERS petitioner's motion to Magistrate Judge Gates for a prompt evidentiary hearing and memorandum and recommendation.

SO ORDERED. This 25 day of October, 2021.


JAMES C. DEVER III
United States District Judge